

THE HONORABLE JOHN C. COUGHENOUR

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

VALERIE SAMPSON and DAVID
RAYMOND, on their own behalf and on the
behalf of all others similarly situated,

Plaintiffs,

v.

KNIGHT TRANSPORTATION, INC., an
Arizona corporation, KNIGHT
REFRIGERATED, LLC, an Arizona limited
liability company, and KNIGHT PORT
SERVICES, LLC, an Arizona limited liability
company,

Defendants.

Case No. 2:17-cv-00028-JCC

~~[PROPOSED]~~ ORDER GRANTING
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT

THIS MATTER came before the Court on Plaintiffs' Motion for Preliminary Approval of
Class Action Settlement.

Plaintiffs have moved for, and Defendants do not oppose, entry of this order, which (a)
preliminarily approves the proposed Settlement as fair, reasonable, and adequate; (c) provides for
notice of the Settlement to Settlement Class members in accordance with the terms of the
Settlement Agreement; (d) establishes procedures for objecting to the Settlement Agreement; and
(e) sets a date for the Fairness Hearing to finally approve the Settlement Agreement.

The Court has considered the Settlement Agreement (Dkt. No. 189) and the declarations
of Plaintiffs' counsel (Dkt. Nos. 190, 191).

[PROPOSED] ORDER GRANTING MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT - 1

Case No. 2:17-cv-00028-JCC

IT IS ORDERED THAT:

1. The Court has jurisdiction over the subject matter of this action and personal jurisdiction over the Parties.

2. This Order incorporates by reference the definitions in the Settlement Agreement, and all capitalized terms used in this Order will have the same meanings as described in the Settlement Agreement, unless otherwise defined in this Order.

3. The Court previously certified the following Class:

All current and former driver employees of Knight Transportation, Inc., Knight Refrigerated, LLC, and/or Knight Port Services, LLC who at any time from July 1, 2013, through June 3, 2021, worked as drivers while residing in the state of Washington.

4. The Court preliminarily approves the Settlement as fair, reasonable, and adequate. In making this determination, the Court has considered the criteria set forth in recently amended Federal Rule of Civil Procedure 23, and the factors outlined in *In re Bluetooth Headset Prods. Liab. Litig.*, 654 F.3d 935, 946 (9th Cir. 2011).

5. Under the Settlement Agreement, Defendants agree to pay \$450,000 to settle this case. The Settlement funds shall be used to make cash payments to Settlement Class Members and to pay any court-approved attorney's fees and costs, service awards for the Plaintiffs, and settlement administration expenses.

6. The Court has considered the terms of the Settlement Agreement in light of Plaintiffs' and Class Counsel's representation of the Settlement Class, the arm's length negotiations that led to the Settlement, the experience and views of counsel, the equitable treatment of Settlement Class members, and the relief that will be provided to the Settlement Class. In preliminarily approving the relief to the Settlement Class, the Court has considered, among other things, the amount offered in settlement, the stage of the proceedings, the strength of Plaintiffs' case and the costs, risks, and delay of continued litigation; the method of

1 distributing relief to the class; and the proposed attorneys' fee award and service awards to
2 Plaintiffs.

3 7. Plaintiffs' motion to preliminarily approve the Settlement Agreement is granted.
4 The Court will make a final determination as to the fairness, reasonableness, and adequacy of the
5 Settlement after the Final Fairness Hearing.

6 8. The Court appoints Simpluris to execute the notice plan and administer the
7 settlement as described in the Settlement Agreement and this Order.

8 9. The Court finds that the method of providing notice to Settlement Class members
9 specified in the Settlement Agreement constitutes the best practicable notice under the
10 circumstances and is reasonably calculated, under all circumstances, to apprise Settlement Class
11 members of the pendency of this action, the terms of the Settlement Agreement, and their right to
12 object from the Settlement Class. The Court finds that the notice plan is reasonable; that it
13 constitutes due, adequate, and sufficient notice to all persons entitled to receive notice; and that it
14 meets the requirements of due process, Rule 23, and any other applicable laws.

15 10. The Court approves the form and content of the Notice attached as Exhibit 2 to
16 the Declaration of Erika L. Nusser. Within thirty (30) days of entry of this Order, the settlement
17 administrator shall deliver Notice by mail or email to all Settlement Class members who can be
18 identified with reasonable effort.

19 11. Any Settlement Class Member may object to the Settlement Agreement by filing
20 a written statement with the Court along with any supporting documentation that the person
21 wishes the Court to consider no later than sixty (60) days after the date this order is issued. Any
22 objection not timely made in this manner shall be barred. Any payment or other consideration
23 given to an objector or objector's counsel for forgoing or withdrawing an objection, or forgoing,
24 dismissing, or abandoning an appeal from a judgment approving a class settlement requires
25 Court approval.

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27 [PROPOSED] ORDER GRANTING MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT - 3

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12. In accordance with *In re Mercury Interactive Corp. Sec. Litig.*, 618 F.3d 988, 994 (9th Cir. 2010), the Court directs Class Counsel to file a motion for approval of attorneys' fees, costs, and service awards no later than thirty (30) days before the deadline to submit objections. Class Counsel will make their request for attorneys' fees and costs available on the Settlement Website after filing.

13. No later than fourteen (14) days after the deadline to submit claims, exclusions, and objections), Class Counsel shall file memoranda, declarations, responses to objections, and other evidence in support of the motion for final approval of the Settlement Agreement. The papers in support of final approval shall be made available on the settlement website after filing.

14. Counsel are hereby authorized to take the reasonable steps in connection with approval and administration of the Settlement not materially inconsistent with this Order or the Settlement Agreement, including, without further approval of the Court, making minor changes to the content of the Notice that they jointly deem reasonable or necessary.

15. The Final Fairness Hearing will take place on Tuesday, April 4, 2023, at 9:00 a.m. The Final Fairness Hearing may take place virtually by telephone or video conference at the Court's discretion and without further notice to the Class. If the Final Fairness Hearing is to take place virtually, the Court will provide instructions for attending the conference, which Class Counsel will post on the Settlement Website.

16. The Court reserves the right to adjourn or reset the date of the Final Fairness Hearing without further notice to the Class Members and retains jurisdiction to consider all further applications arising out of or connected with the proposed Settlement.

17. The following timeline will govern proceedings through the Final Fairness Hearing.

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[PROPOSED] ORDER GRANTING MOTION FOR
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SETTLEMENT - 4

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ACTION	DATE
Deadline for mailing class notice (“Initial Mailing Date”)	30 days after entry of preliminary approval order
Deadline for motion for approval of attorneys’ fees and costs	30 days before objection deadline
Objection deadline	30 days after Initial Mailing Date
Deadline for motion for final approval and response to objections	14 days after objection deadline
Final approval hearing	Tuesday, April 4, 2023, at 9:00 a.m.

IT IS SO ORDERED.

DATED this 8th day of November, 2022.



THE HONORABLE JOHN C. COUGHENOUR